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DTOS Rec'd PCT/PTO 19 SEP 2002
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DOCKET NUMBER: 216917US8PCT/pmh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
Malcolm A. LECOMPTE, et al.

SERIAL NUMBER: 10/019,074

FILED: MAY 06, 2002



: GROUP: 3662

: ATTENTION:
Application Division
Customer Corrections

FOR: DIRECT BROADCAST SATELLITE IMAGING SYSTEM PROVIDING REAL-
TIME, CONTINUOUS MONITORING OF EARTH FROM GEOSTATIONARY EARTH
ORBIT

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

APR 07 2003

Technology Center 2600

Sir:

It is respectfully requested that the filing date of the above-identified application be corrected to MAY 06 02. To substantiate the correct filing date of MAY 06 02, we attach a copy of the date-stamped filing receipt card. The filing receipt card has been stamped by the Patent Office when the application was presented at the Patent Office filing window in person by the Patent Office runner of this firm. Also, enclosed a copy of Decision on Petition Under 37 CFR 1.181 Granted.

The Patent Office is requested to provide a corrected Official Filing Receipt indicating the correct filing date and any other requested corrections. No fees are required.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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CONFIRMATION NO. 8035

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ARLINGTON, VA 22202

FILING RECEIPT



OC00000008193330

Date Mailed: 06/03/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Malcolm A. Lecompte, Diamondhead, MS;
Michael Hewins, Belvedere, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US00/16295 06/26/2000
WHICH IS A CON OF 09/344,358 06/25/1999 PAT 6,271,877
WHICH CLAIMS BENEFIT OF 60/192,893 03/29/2000
THIS APPLICATION 10/019,074
CLAIMS BENEFIT OF 60/205,155 05/18/2000

Foreign Applications

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

RECEIVED: 6/7/02
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: MDS/7/02

Type of Resp(s):

Due Date(s):

Title

Direct broadcast satellite imaging system providing real-time, continuous monitoring of earth from
geostationary earth orbit

Preliminary Class

342

PLEASE NOTE THAT THE FILING DATE IS INCORRECT. IT SHOULD READ AS
FOLLOWS:

FILING DATE: 05/06/02

PLEASE NOTE THAT THE DOMESTIC PRIORITY DATA INFORMATION IS
INCORRECT. IT SHOULD READ AS FOLLOWS:

THIS APPLICATION IS A 371 OF PCT/US00/16295 06/26/00
WHICH IS A CON OF 09/344,358 06/25/99 PAT 6,271,877
WHICH CLAIMS BENEFIT OF 60/192,893 03/29/00
WHICH CLAIMS BENEFIT OF 60/205,155 05/18/00

3 O.S.&M. File No. 216917US8PCT

By BDL/dty FF

Due date 5-4-02

Serial No. 10/019,074

In the Matter of the Application of Malcolm A. LECOMPTE, et al.

For DIRECT BROADCAST IMAGING SATELLITE SYSTEM APPARATUS
AND METHOD FOR PROVIDING REAL-TIME, CONTINUOUS MONITORING
OF EARTH FROM GEOSTATIONARY EARTH ORBIT AND RELATED
SERVICES

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☒ Response to Notice of Missing Requirement Under 35 U.S.C. 371
- ☒ Combined Declaration, Petition & Power of Attorney (3 pages)
- ☒ Copy of Notification of Missing Requirements
- ☒ Copy of Specification
- ☐ Preliminary Amendment
- ☐ Petition for Extension of Time
- ☒ Check for \$ 1,326.00 ; ☒ Dep. Acct. Order Form
- ☐ Verified Statement (Declaration) Claiming Small Entity Status
- ☐ Submission of Verified Statement (Dec.) Claiming Small Entity Status
- ☐ Declaration of
- ☐ Letter Requesting Approval of Drawing Changes
- ☒ Copy of Drawings 19 sheets
- ☐ List of Related Cases
- ☐ Information Disclosure Statement; ☐ PTO-1449
- ☐ Cited References ()
- ☐ _____ Search Report
- ☐ Statement of Relevancy

DATE RECEIVED

80 Rec'd PCT/PTO 06 MAY 2002



29 AUG 2002
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT
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Arlington, VA 22202

In re Application of
LECOMPTE, Malcolm, et al.
Application No.: 10/019,074
PCT No.: PCT/US00/16295
Int. Filing Date: 26 June 2000
Priority Date: 25 June 1999
Attorney Docket No.: 216917US8PCT
For: DIRECT BROADCASTING IMAGING
SATELLITE SYSTEM ... AND RELATED
SERVICES

DECISION ON PETITION

RECEIVED: 9-3-02
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

DOCKETING DEPT. 9-3-02
Initials/Date Docketed: HMA
Type of Resp(s):
Due Date(s):

This decision is issued in response to applicants' "Petition Under 37 CFR 1.181 For Corrected Notice Of Acceptance" filed 18 June 2002. No petition fee is required.

BACKGROUND

On 26 June 2000, applicants filed international application PCT/US00/16295 which claimed a priority date of 25 June 1999 and which designated the United States.

On 25 January 2001, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 26 December 2001 (25 December 2001 was a holiday).

On 26 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 04 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and additional fees were required.

On 06 May 2002, applicant filed a "Response to Notice Of Missing Requirements" that included the required fees and an executed declaration. The "Response TO Notice Of Missing Requirements" in the application file bears a receipt stamp dated 06 May 2002; however, the declaration in the application file bears a receipt stamp dated 06 March 2002.

On 03 June 2002, the DO/EO/US mailed a Notification Of Acceptance (Form PCT/DO/EO/903) indicating 06 March 2002 as the 35 U.S.C. 371 date. This date was apparently derived from the date stamp on the declaration in the application file.

On 18 June 2002, applicants filed the "Petition Under 37 CFR 1.181 For Corrected Notice Of Acceptance" considered herein. In the petition, applicants assert that the response to the Notification Of Missing Requirements submitted to complete the 35 U.S.C. 371 requirements was filed on 06 May 2002 and that this date, rather than 06 March 2002, is the proper 35 U.S.C. 371 date for this application.

DISCUSSION

Applicants have attached to the present petition a copy of a return postcard that clearly identifies the present application, itemizes, among other materials, the "Response To notice Of Missing Requirements," the 3 page declaration, and the accompanying \$1,326 fee payment. This return postcard bears a USPTO receipt stamp dated 06 May 2002.

Based on applicants' statements, the stamped return postcard, the 06 May 2002 receipt stamp on the "Response To Notice Of Missing Requirements" contained in the application file, and internal USPTO records indicating receipt of the \$1,326 fee payment on 06 May 2002, it is concluded that the declaration filed to complete the 35 U.S.C. 371 requirements was filed on 06 May 2002.

The proper 35 U.S.C. 371 date for this application is therefore 06 May 2002. The Notification Of Acceptance mailed 18 June 2002 which incorrectly identified 06 March 2002 as the 35 U.S.C. 371 date, is therefore appropriately vacated.

CONCLUSION

Applicants' petition is **GRANTED**.

The Notification Of Acceptance mailed 18 June 2002, and the subsequently mailed filing receipt, are hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing, including the mailing of a corrected Notification Of Acceptance identifying 06 May 2002 as the 35 U.S.C. 371 date and the issuance of a corrected Filing Receipt identifying 06 May 2002 as the filing date.



Leonard Smith
PCT Legal Examiner
PCT Legal Office

RMR/LS:rmr



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